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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/940,092	08/27/2001	Siegfried Kamlah	GR 00 P 16715	5991

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EXAMINER	
JENKINS, KIMBERLY YVETTE	

ART UNIT	PAPER NUMBER
2635	

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/940,092	KAMLAH, SIEGFRIED	
	Examiner	Art Unit	
	Kimberly Jenkins	2635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on 20 August 2004.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-9 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-9 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 27 August 2001 is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

DETAILED ACTION

Response to Amendment

1. Examiner acknowledges amended claims 1, 4, and 7 (pp. 8-9) filed on August 20, 2004 for the Application No. 09/940092.

Response to Arguments

2. Examiner acknowledges the Applicant's arguments filed on August 20, 2004 on pp. 9-10 have been fully considered but they are not persuasive. The Examiner tenaciously adheres to the belief that the following 35 U.S.C. 103 (a) rejection under Kirchlinde et al. in view of Nysen et al. (US 5164985) covers the limitations (of amended claims 1, 4, and 7) of a transmitter transmitting a signal in response to the interrogation signal has been clearly rejected in the rejections as seen below.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-2, 4, 6, 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kirchlinde et al. (US 6577227) in view of Nysen et al. (US 5164985).

Regarding claims 1, 4, and 7, Kirchlinde teaches a mobile device that consists of a transceiver device (fig. 2, 6), which is disposed in a motor vehicle. The transceiver (6) transmits an interrogation

signal in response to the triggering device being activated (col. 1, lines 50-59). Additionally, Kirchlinde teaches a portable code transmitter (fig. 2, 1) that is configured to receive the interrogation signal (col. 1, lines 55-59). Also, the transceiver (6) can provide at least two interrogations signals (col. 2, lines 18-19). Moreover, Kirchlinde discloses that the device is vehicle-mounted, which contains an evaluation unit that enables vehicle-specific functions after receiving and comparing the signal (col. 1, lines 61-64). However, Kirchlinde fails to teach that the antenna of the transceiver (6) emits a signal of having either an elliptical or circular polarization.

However, Nysen, who teaches a passive universal communicator system, teaches an authentic device (col. 6, lines 30-43) with a transponder (passive) and a controller. The controller transmits a circular polarized interrogation signal, and the transponder replies with an orthogonal-oriented circular polarized response signal (col. 14, line 1 – col. 15, line 10). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used orthogonal circular polarized signals to provide full duplex communication in the Kirchlinde system as suggested by Nysen since such would provide non-interfering bi-directional communication.

Regarding claim 2, Kirchlinde teaches a mobile device that consists of a transceiver device (fig. 2, 6), which is disposed in a motor vehicle; however, Kirchlinde does not expressively disclose the antennas the transceivers as being orthogonal (perpendicular) to form a circular polarization.

However, Nysen teaches that in order to provide the non-interfering bi-directional communication using circular polarized signals, the transmit and receive antennas need to be orthogonal.

Regarding claims 6 and 9, Kirchlinde teaches that the transceiver device is configured in a manner that the interrogation signal is emitted at a predetermined time period (col.4, lines 32-41). Moreover, the response signal must also be transmitted at a predetermined time (col. 6, lines 5-11).

3. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kirchlinde in view of Nysen in further view of Daiss et al. (US 6549115).

Regarding claim 3, Kirchlinde teaches that vehicle-specific functions, such as locking and unlocking locks are controlled by the code signal, based upon the response of the evaluation unit (col. 2, lines 30-34). However, Kirchlinde fails to disclose immobilizing functions within the vehicle.

Daiss, who discloses an active and passive remote mobile device, teaches the electronic immobilizer on the vehicle that contains an immobilizer control unit which, in turn, actuates the necessary components to operate the vehicle. Such components include switching means for the ignition in order to start the engine (col. 3, lines 32-40). Furthermore, Daiss further discloses that one can actuate the electronic immobilizer via an electronic key (fig.1, 6) or via the passive device (read as smart card fig. 1, 7) (col. 3, lines 57-62).

Therefore, it would have been obvious to one of ordinary skill of the art at the time the invention was made to supply the ability to turn on/off the immobilizer via the communication device of Daiss into Kirchlinde, because Kirchlinde teaches that the communication device actuates locking and unlocking functions on a vehicle utilizing an electronic key and Daiss teaches the device to use an electronic key also as a means to turn on/off the immobilizer.

4. Claims 5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kirchlinde in view of Nysen in further view of Gold (DE 19718423A1).

Regarding claims 5 and 8, Kirchlinde in view of Nalbandian fails to disclose relevant material regarding coils that function as antennas, which are to be at phase angle of less than or equal to 90 degrees.

Gold, who teaches a portable transmitter, clearly illustrates in fig. 1 that there are at least two coils functioning as antennas. Moreover, the illustration shows that the antennas are perpendicular or 90 degrees to one another.

Therefore, it would have been obvious to one of ordinary skill of the art at the time the invention was made to provide at least two coils that function as antennas and are actuated by being in phase of at least 90 degrees to one another in the mobile device of Kirchlinde in view of Nalbandian in further view of Gold, because Kirchlinde in view of Nalbandian suggests using at least two coils, and Gold teaches at least two coils are perpendicular to one another to provide proper signal transmission.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly Jenkins whose telephone number is 571.272.3064. The examiner can normally be reached from Monday – Friday between the hours of 7am - 3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 571.272.3068. The fax phone number for the organization where this application or proceeding is assigned is 703.308.6743.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.305.3900.

Kimberly Jenkins
Patent Examiner
Art Unit 2635
22 November 2004

KJJ

BRIAN ZIMMERMAN
PRIMARY EXAMINER